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REMARKS

Summary of Office Action

In the Office Action of May 10, 2004, Examiner rejected claims 1-11 and 13-18 under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent no. 6,052,803 to Bhatia et al ("Bhatia") in view of U.S. Patent No. 5,699,369 to Guha ("Guha"). Examiner made the office action final.

Remarks regarding Claims

Applicant files with this response a Request for Continued Examination. As such, Applicant requests that the status of the office action as being made final be withdrawn.

Claims 1-11, and 13-20 are presently pending in the application. Applicant herein amends claims 1, 4 and 13-18 and adds new claims 19 and 20. Applicant believes that no claim fee is payable; however, Commission is authorized to charge Agent's deposit account 15-0663 for any such fees.

Claims 1 and 11 are amended to further clarify aspects of Applicant's invention relating to redundancy of datasources and data paths. Further aspects are defined relating to specific data switching points from within one data path to points within the other data path. Exemplary support for these amendments are found in Fig. 1A and the specification at page 9, line 14 to page 11, line 2. The preamble of claims 13-18 are amended to clarify operation of their defined methods in view of amendments made to the preamble of claim 11. Claim 4 is amended to be conform with amendments made to claim 1. Claims 13-18 are amended in their preambles to conform with amendments made to claim 11. No new subject matter is added therein.

Applicant traverses rejection of claims 1-11 and 13-18 as follows. As noted earlier, Applicant's invention relates to a system and method for selecting a datasource in from a plurality of datasources where redundant data is sent in two stream by both of the modules and where each module has a set of internal switching points and cross-

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connections to allow data to be transferred from a location within one module to a

location within the other module. As such, a single data path for the data can be

established which flows between the two modules. Such features are presented in the

claim 1 and 11 as amended.

Bhatia and Guha individually are not directed towards the subject matter of the

claims and do not in combination teach all aspects of the claims as provided.

Specifically, Bhatia is directed to a routing system for involving computer computers

where separate, individual data streams from individual computers are collected through

a single transmission point to an external network. See Fig. 1 and Abstract. Meanwhile,

Guha simply discloses an adaptive forward error correction (FEC) protocol for use in an

asynchronous transfer mode communication network and is not related to a datasource

selection system for redundant data streams. Guha is directed to the specific field of error

correction protocols. See in Guha, at col. 9, lines 55 to 59. While an error correction

protocol is involved in one aspect of Applicant's invention, Applicant's system involves

active monitoring and switching of datasources upon detection of errors in the either

datastream.

Examiner cited Guha at Fig. 8 as teaching source selection, which is a component

of claims 1 and 11. Applicant traverses this citation, noting that Guha discloses a

feasibility condition assessment which determines, prior to transmission, whether forward

error correction encoding would be useful by assessing whether the encoding is likely to

enable a receiving network entity to correct errors that are expected to occur during

transmission. This citation is not directed to a switching system per Applicant's

invention as defined in claims 1 and 11.

Further, Applicant submits that there is no motivation to combine Bhatia and

Guha. As noted above, Bhatia is directed to a system of controlling individual computers

in a network, while Guha is directed towards error correction of data in a single data

stream.

Also, even if there were motivation to combine Bhatia and Guha, they do not

teach internal switching of datasources between and amongst elements in redundant

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datapaths as provided in Applicant's claims. Bhatia simply teaches a system enabling

selection of one computer from a network of computers to transmit its data to another

network. As such, even if Bhatia were to be combined with Guha, the collective art does

not teach Applicant's system and method as claimed.

In view of the above, claims 1 and 11, as amended, are novel, non-obvious and

patentable over Bhatia in view of Guha.

Rejection of claims 2-10 and 13-18 are traversed in view of amendments made to

claims 1 and 11 and Applicant's arguments regarding the relevance of Bhatia and Guha

thereagainst.

New claims 19 and 20 are added to further define aspects of Applicant's invention

relating to a system and method providing further switching amongst first and second

data flow paths using further switching and validation modules in each data flow. New

claim 19 depends from claim 11 and new claim 20 depends from claim 1. Exemplary

support for new claims 19 and 20 is found in Fig. 1B and its related disclosure in the

specification at page 9 line 16 through page 11, line 2. No new subject matter is added in

claims 19 and 20. Applicant submits that claims 19 and 20 are new and non-obvious in

view of all prior art cited by Examiner.

Closing Comments

Applicant believes that the two-month petition of time filed with this response is

sufficient for timely filing of this response. However, if any further extension of time is

required, Applicant hereby petitions for a sufficient extension and authorizes

Commissioner to charge any related extension fees, or any other required fees, to Agent's

account 15-0633.

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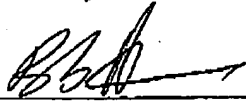Reply to Office Action of May 10, 2004   - 12 -

In view of each of the amendments and comments herein, Applicant submits that

the claims as provided herein are novel and non-obvious. As such, the claims and the

application are in condition for allowance and that all rejections are traversed.

Further, Applicant earnestly solicits that this application be permitted to proceed

to allowance. The Examiner is invited to contact the undersigned by telephone to discuss

this case further, if necessary.

                                             Respectfully submitted

October 12, 2004

Date

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